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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 09/890,715 Confirmation No. 7784
Appellant : Michael Butsch et al.
Filed : December 31, 2001
TC/A.U. : 3731
Examiner : S. K. Webb

Docket No. : 01-407
Customer No. : 34704

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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REPLY BRIEF

Dear Sir:

This is a reply to the Examiner's answer dated February 9, 2004.

The examiner states starting on line 6 of Page 4 of the Examiner's Answer the following:

"the axis of claim 27 is defined by the longitudinal axis of the shut-off element (42)..."

The Examiner goes on to include that the nozzle (32) of the Kobayashi patent is "transverse to the axis". It is respectfully submitted that the examiner's analysis is incomplete and, therefore, inaccurate. Claim 27 sets forth "a hollow cutting nozzle body having an axis". The claim further states that "a shut-off valve element" is movable "within the hollow cutting nozzle body in a reciprocating manner along the axis". Claim 27 further states that the at least one nozzle extends "radially with respect to the axis". With reference to Figure 9 of the Kobayashi patent, the valve member 42 is transverse to the longitudinal axis of the nozzle and the opening 32 is actually along the longitudinal nozzle axis. This structure is contrary to the language of independent claim 27

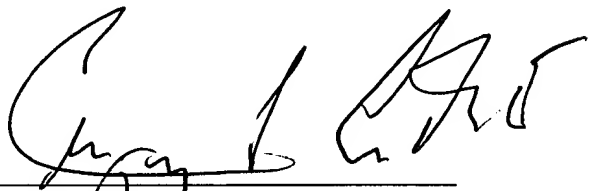
which states that the at least one nozzle extends radially with respect to the axis of the hollow cutting nozzle body.

In light of the foregoing, it is clear that the examiner has supplied the Kobayashi reference in that claim 27 and the claims which depend therefrom define structurally over the Kobayashi reference in a patentable manner. Accordingly, the honorable Board of Appeals is requested to reverse the examiner's rejection.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
Michael Butsch et al.

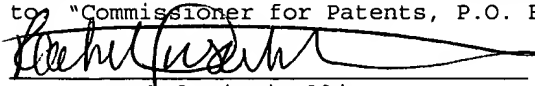
By



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Date: March 15, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on March 15, 2004.


Rachel Piscitelli